**CIVIL**

WHITMAN

COUNTY SUPERIOR COURT

Case Information Cover Sheet (CICS)

Case Number 21-2-00030-38 Case Title Christopher Locken v. Jasmine Robinson, et al.Attorney Name Erin C. Dyer Bar Membership Number 35585

Please check one category that best describes this case for indexing purposes. Accurate case indexing not only saves time in docketing new cases, but helps in forecasting needed judicial resources. Cause of action definitions are listed on the back of this form. Thank you for your cooperation.

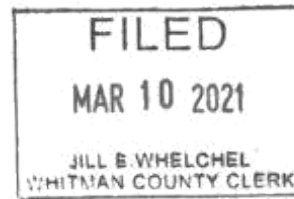
Form updated 12/28/2020

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|--|--|
| <input type="checkbox"/> ABJ Abstract of Judgment | <input type="checkbox"/> PRG Property Damage – Gangs |
| <input type="checkbox"/> ABL Abusive Litigation | <input type="checkbox"/> PRP Property Damages |
| <input type="checkbox"/> ALR Administrative Law Review | <input type="checkbox"/> QTI Quiet Title |
| <input type="checkbox"/> ALRJT Administrative Law Review-Jury Trial (L&I) | <input type="checkbox"/> RDR Relief from Duty to Register |
| <input type="checkbox"/> BAT Ballot Title | <input type="checkbox"/> RFR Restoration of Firearm Rights |
| <input type="checkbox"/> CHN Non-Confidential Change of Name | <input type="checkbox"/> SDR School District-Required Action Plan |
| <input type="checkbox"/> CBC Contractor Bond Complaint | <input type="checkbox"/> SER Subdivision Election Process Law Review |
| <input type="checkbox"/> COL Collection | <input type="checkbox"/> SPC Seizure of Property-Commission of Crime |
| <input type="checkbox"/> CON Condemnation | <input type="checkbox"/> SPR Seizure of Property-Resulting from Crime |
| <input type="checkbox"/> COM Commercial | <input type="checkbox"/> STK Stalking Petition |
| <input type="checkbox"/> CRP Pet. for Cert. of Restoration of Opportunity | <input type="checkbox"/> SXP Sexual Assault Protection |
| <input type="checkbox"/> DOL Appeal Licensing Revocation | <input type="checkbox"/> TAX Employment Security Tax Warrant |
| <input type="checkbox"/> DVP Domestic Violence | <input type="checkbox"/> TAX L & I Tax Warrant |
| <input type="checkbox"/> EOM Emancipation of Minor | <input type="checkbox"/> TAX Licensing Tax Warrant |
| <input type="checkbox"/> FJU Foreign Judgment | <input type="checkbox"/> TAX Revenue Tax Warrant |
| <input type="checkbox"/> FOR Foreclosure | <input checked="" type="checkbox"/> TMV Tort – Motor Vehicle |
| <input type="checkbox"/> FPO Foreign Protection Order | <input type="checkbox"/> TRJ Transcript of Judgment |
| <input type="checkbox"/> HAR Unlawful Harassment | <input type="checkbox"/> TTO Tort – Other |
| <input type="checkbox"/> INJ Injunction | <input type="checkbox"/> TXF Tax Foreclosure |
| <input type="checkbox"/> INT Interpleader | <input type="checkbox"/> UND Unlawful Detainer – Commercial |
| <input type="checkbox"/> LCA Lower Court Appeal – Civil | <input type="checkbox"/> UND Unlawful Detainer – Residential |
| <input type="checkbox"/> LCI Lower Court Appeal – Infractions | <input type="checkbox"/> VAP Vulnerable Adult Protection Order |
| <input type="checkbox"/> LUPA Land Use Petition Act | <input type="checkbox"/> VEP Voter Election Process Law Review |
| <input type="checkbox"/> MAL Other Malpractice | <input type="checkbox"/> VVT Victims of Motor Vehicle Theft-Civil Action |
| <input type="checkbox"/> MED Medical Malpractice | <input type="checkbox"/> WDE Wrongful Death |
| <input type="checkbox"/> MHA Malicious Harassment | <input type="checkbox"/> WHC Writ of Habeas Corpus |
| <input type="checkbox"/> MSC2 Miscellaneous – Civil | <input type="checkbox"/> WMW Miscellaneous Writs |
| <input type="checkbox"/> MST2 Minor Settlement – Civil (No Guardianship) | <input type="checkbox"/> WRM Writ of Mandamus |
| <input type="checkbox"/> PCC Petition for Civil Commitment (Sexual Predator) | <input type="checkbox"/> WRR Writ of Restitution |
| <input type="checkbox"/> PFA Property Fairness Act | <input type="checkbox"/> WRV Writ of Review |
| <input type="checkbox"/> PIN Personal Injury | <input type="checkbox"/> XRP Extreme Risk Protection Order |
| <input type="checkbox"/> PRA Public Records Act | <input type="checkbox"/> XRU Extreme Risk Protection Order Under 18 |

IF YOU CANNOT DETERMINE THE APPROPRIATE CATEGORY, PLEASE DESCRIBE THE CAUSE OF ACTION BELOW

Please Note: Public information in court files and pleadings may be posted on a public Web site.

APPEAL/REVIEW Administrative Law Review -Petition to the superior court for review of rulings made by state administrative agencies. Appeal of a Department of Licensing Revocation -Appeal of a DOL revocation (RCW 46.20.308(9)). Lower Court Appeal-Civil -An appeal for a civil case; excludes traffic infraction and criminal matters. Lower Court Appeal-Infractions -An appeal for a traffic infraction matter.	gang activity. Public Records Act -Actions filed under RCW 42.56. Relief from Duty to Register -Civil action requesting relief from duty to register as a sex offender. Petition can address the registration obligation that arises from multiple cases. RCW 9A.44.142, 9A.44.143. Restoration of Firearms Rights -Petition seeking restoration of firearms rights under RCW 9.41.040 and 9.41.047. (<i>Eff. 9-2-2014</i>) School District-Required Action Plan -Petition filed requesting court selection of a required action plan proposal relating to school academic performance. Seizure of Property from the Commission of a Crime -Seizure of personal property that was employed in aiding, abetting, or commission of a crime, from a defendant after conviction. Seizure of Property Resulting from a Crime -Seizure of tangible or intangible property that is the direct or indirect result of a crime, from a defendant following criminal conviction (e.g., remuneration for, or contract interest in, a depiction or account of a crime). Subdivision Election Process Review -Petition seeking court acknowledgement of compliance (RCW 29A.92). Subpoenas -Petition for a subpoena. Voter Election Law Review -Action filed by voters requesting review of Voting Rights Act (RCW 29A.92).
CONTRACT/COMMERCIAL Breach of Contract -Complaint involving monetary dispute where a breach of contract is involved. Contractor Bond Complaint -Complaint for claim against a contractor or subcontractor bond. Commercial Contract -Complaint involving monetary dispute where a contract is involved. Commercial Non-Contract -Complaint involving monetary dispute where no contract is involved. Third Party Collection -Complaint involving a third party over a monetary dispute where no contract is involved.	PROPERTY RIGHTS Condemnation -Complaint involving governmental taking of private property with payment, but not necessarily with consent. Foreclosure -Complaint involving termination of ownership rights when mortgage or tax foreclosure is involved; ownership is not in question. Land Use Petition -Petition for an expedited judicial review of a land use decision made by a local jurisdiction (RCW 36.70C.040). Property Fairness -Complaint involving the regulation of private property or restraint of land use by a government entity brought forth by Title 64 RCW. Quiet Title -Complaint involving the ownership, use, or disposition of land or real estate other than foreclosure. Unlawful Detainer -Complaint involving the unjustifiable retention of lands or attachments to land, including water and mineral rights.
PROTECTION ORDER Civil Harassment -Petition for protection from civil harassment. Domestic Violence -Petition for protection from domestic violence. Extreme Risk Protection Order -Petition to restrict ownership, possession, custody or control of a firearm or concealed weapons permit. Extreme Risk Protection Order Under 18 -Petition to restrict access, possession, purchase, custody or control of a firearm by a minor. Foreign Protection Orders -Any protection order of a court of the United States, or of any state, territory, or tribal land, which is entitled to full faith and credit in this state. Sexual Assault Protection -Petition under RCW 7.90.020. Stalking -Petition for protection from stalking for victims who do not qualify for a domestic violence protection order. (RCW 7.92.030). Vulnerable Adult Protection -Petition for protection order for vulnerable adults, as those persons are defined in RCW 74.34.020.	TORT, MEDICAL MALPRACTICE Hospital -Complaint involving injury or death resulting from a hospital. Medical Doctor -Complaint involving injury or death resulting from a medical doctor. Other Health Care Professional -Complaint involving injury or death resulting from a health care professional other than a medical doctor.
JUDGMENT Abstract Only -A certified copy of a judgment docket from another superior court, an appellate court, or a federal district court. Foreign Judgment -Any judgment, decree, or order of a court of the United States, or of any state or territory, which is entitled to full faith and credit in this state. Judgment, Another County -A certified copy of a judgment docket from another superior court within the state. Judgment, Another State -Any judgment, decree, or order from another state that is entitled to full faith and credit in this state. Tax Warrants -A notice of assessment by a state agency creating a judgment/lien in the county in which it is filed. (Four types available.) Transcript of Judgment -A certified copy of a judgment from a court of limited jurisdiction to a superior court in the same county.	TORT, MOTOR VEHICLE Death -Complaint involving death resulting from an incident involving a motor vehicle. Non-Death Injuries -Complaint involving non-death injuries resulting from an incident involving a motor vehicle. Property Damage Only -Complaint involving only property damages resulting from an incident involving a motor vehicle.
OTHER COMPLAINT/PETITION Abusive Litigation -Request to restrict a current or former intimate partner party from filing abusive litigation for the purposes of harassing, intimidating, or maintaining contact with the other party Ballot Title -Action for review of the ballot title (RCW 29A.36.090). Petition for Certificate of Restoration of Opportunity -Request for order that is intended to facilitate obtaining housing and employment (RCW 9.97.020). Change of Name -Petition for a change of name. If change is confidential due to domestic violence/anti-harassment see case type 5 instead. Deposit of Surplus Funds -Deposit of money or other item with the court. Emancipation of Minor -Petition by a minor for a declaration of emancipation. Injunction -Complaint/petition to require a person to do or refrain from doing a particular thing. Interpleader -Petition for the deposit of disputed earnest money from real estate, insurance proceeds, and/or other transaction(s). Malicious Harassment -Suit involving damages resulting from malicious harassment. Minor Settlements -Petition for a court decision that an award to a minor is appropriate when no letters of guardianship are required (e.g., net settlement value \$25,000 or less). Petition for Civil Commitment (Sexual Predator) -Petition for the involuntary civil commitment of a person who 1) has been convicted of a sexually violent offense whose term of confinement is about to expire or has expired, 2) has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial who is about to be released or has been released, or 3) has been found not guilty by reason of insanity of a sexually violent offense and who is about to be released or has been released, and it appears that the person may be a sexually violent predator. Property Damage-Gangs -Complaint involving damage to property related to	TORT, NON-MOTOR VEHICLE Asbestos -Complaint alleging injury resulting from asbestos exposure. Other Malpractice -Complaint involving injury resulting from other than professional medical treatment. Personal Injury -Complaint involving physical injury not resulting from professional medical treatment, and where a motor vehicle is not involved. Products Liability -Complaint involving injury resulting from a commercial product. Property Damages -Complaint involving damage to real or personal property excluding motor vehicles. Victims of Motor Vehicle Theft -Complaint filed by a victim of car theft to recover damages. (RCW 9A.56.078). Wrongful Death -Complaint involving death resulting from other than professional medical treatment. WRIT Writ of Habeas Corpus -Petition for a writ to bring a party before the court. Writ of Mandamus -Petition for writ commanding performance of a particular act or duty. Writ of Restitution -Petition for a writ restoring property or proceeds; not an unlawful detainer petition. Writ of Review -Petition for review of the record or decision of a case pending in the lower court; does not include lower court appeals or administrative law reviews. Miscellaneous Writs



IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant.

NO. 21-2-00030-38

COMPLAINT

Comes now the above-named Plaintiff CHRISTOPHER D. LOCKEN, by and through his attorney of record, Erin C. Dyer of CRAIG SWAPP & ASSOCIATES, and alleges as follows:

I. IDENTIFICATION OF PARTIES AND JURISDICTION

1.1 At all times relevant hereto Plaintiff CHRISTOPHER D. LOCKEN was a resident of Whitman County, Washington.

1.2 At all times relevant hereto Defendant JASMINE E. ROBINSON ("Defendant Robinson") was a resident of the State of Idaho.

1.3 At all times relevant hereto Defendant FEDERAL EXPRESS CORPORATION,
COMPLAINT - 1

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

1 was a Delaware corporation authorized to do business and doing business in the State of
2 Washington.

3
4 1.4 The true names of JOHN AND JANE DOES I-V are unknown. Each of the
5 Defendants, including the Doe Defendants, is or may be responsible in some manner for
6 Plaintiff's damages, either directly or through the acts and omissions of their agent and
7 employee, and each is or may be the agent and/or employee of the others. Plaintiff will move the
8 Court to allow amendment when the identities and roles of the John and Doe Defendants become
9 known.
10

11 1.5 The automobile accident and negligent acts and damages alleged herein occurred
12 in Whitman County, Washington.

13 1.6 This Court has jurisdiction over this action and venue is proper in Whitman
14 County, Washington.
15

16 **II. NEGLIGENCE**

17 2.1 On or about November 17, 2018, Plaintiff Christopher D. Locken was driving his
18 vehicle in the outside right lane northbound on Stadium Way near the intersection of Grimes
19 Way in Whitman County, Washington. At the same time, Defendant Robinson was also driving
20 northbound on Stadium Way in the inside left lane approaching the intersection of Grimes Way
21 in a Federal Express van. Defendant Robinson failed to exercise reasonable care, was negligent
22 and failed to yield the right of way, when she attempted to turn right onto Grimes Way from the
23 inside lane causing a t-bone collision with Plaintiff's vehicle, who was proceeding straight
24 through the intersection.
25
26

2.3 All acts or omissions of Defendant Robinson as the driver of Federal Express Corporation's vehicle were performed within the scope of her employment with Federal Express Corporation, and for the benefit of Federal Express Corporation. Federal Express Corporation is vicariously liable for the acts or omissions of Defendant Robinson.

- a. In failing to keep a proper lookout;
- b. For failing to yield the right of way;
- c. In operating the motor vehicle at a speed greater than is reasonable and prudent under the conditions then there existing;
- d. In failing to remain in control of the motor vehicle which Defendant was driving;
- e. In operating the motor vehicle in a reckless and/or negligent manner;
- f. In operating the motor vehicle with disregard for the safety of others.

3.1 Plaintiff has suffered bodily and emotional injuries as a direct and proximate result of Defendants' negligence alleged herein.

4.1 As a direct and proximate result of Defendants' negligence, Plaintiff has suffered

1 bodily and emotional injuries, some of which may be permanent and may result in residual
2 permanent disability which will cause pain, suffering, emotional anguish, loss of ability and
3 capacity to enjoy life, health care expenses, a possible loss of earnings over his lifetime, and
4 other general and special damages, economic and non-economic, and is entitled to be
5 compensated for his injuries, incurred past and future physical, mental pain, disability, and
6 medical expenses, in such amounts to be proven at the time of trial herein.
7

8 WHEREFORE, Plaintiff respectfully prays for judgment against Defendants, and each of
9 them, as follows:
10

11 **V. RELIEF SOUGHT**

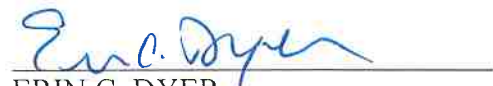
12 5.1 For an award of damages compensating Plaintiff for past and future general and
13 special damages, economic and non-economic, including pre-judgment interest on Plaintiff's
14 expenses as are allowed by law, in an amount to be proven at the time of trial in this matter.
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16 5.2 For such other and further relief as the Court deems just, equitable and proper.

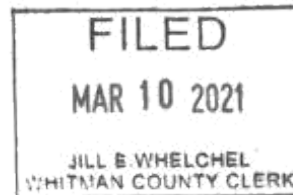
17 DATED this 8th day of March, 2021.

18 CRAIG SWAPP & ASSOCIATES

19
20 By:



ERIN C. DYER
WSBA No. 35585
Attorneys for Plaintiff



IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant.

NO. 21-2-00030-38

SUMMONS

**THE STATE OF WASHINGTON, COUNTY OF SPOKANE, TO THE SAID
DEFENDANT – JASMINE E. ROBINSON:**

A lawsuit has been started against you in the above-entitled court by the above named plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after the services of this summons, excluding the day of service, if served within the State of Washington, or within sixty (60) days after service of this summons upon you, excluding the day of service if served out of the State of Washington, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned

SUMMONS - 1

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

1 attorney, you are entitled to notice before a default judgment may be entered.

2
3 You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must
4 be in writing and must be served upon the plaintiff. Within fourteen (14) days after you serve
5 the demand, the plaintiff must file this lawsuit with the court, or the service on you of this
6 summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly so that
8 your written responses, if any, may be served on time.

9 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of
10 Washington.

11 DATED this 8th day of March, 2021.

12
13 CRAIG SWAPP & ASSOCIATES

14 By: 

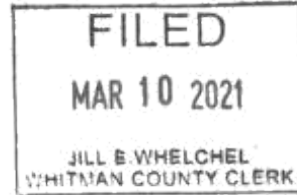
15 ERIN C. DYER

16 WSBA No. 35585

17 Attorney for Plaintiff

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27 SUMMONS - 2

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CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
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(509) 252-5037



IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant.

NO. 21-2-00030-38

SUMMONS

**THE STATE OF WASHINGTON, COUNTY OF SPOKANE, TO THE SAID
DEFENDANT – FEDERAL EXPRESS CORPORATION:**

A lawsuit has been started against you in the above-entitled court by the above named plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after the services of this summons, excluding the day of service, if served within the State of Washington, or within sixty (60) days after service of this summons upon you, excluding the day of service if served out of the State of Washington, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned

SUMMONS - 1

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16201 East Indiana Avenue, Suite 1900
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10 DATED this 8th day of March, 2021.

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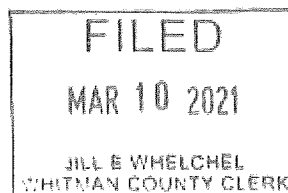
13 Erin C. Dyer
ERIN C. DYER

14 WSBA No. 35585

15 Attorney for Plaintiff

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27 SUMMONS - 2

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Attorneys at Law
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IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

JASMINE E. ROBINSON, individually and as
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CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant.

NO. 21-2-00030-38

SUMMONS

**THE STATE OF WASHINGTON, COUNTY OF SPOKANE, TO THE SAID
DEFENDANT – JASMINE E. ROBINSON:**

A lawsuit has been started against you in the above-entitled court by the above named plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within twenty (20) days after the services of this summons, excluding the day of service, if served within the State of Washington, or within sixty (60) days after service of this summons upon you, excluding the day of service if served out of the State of Washington, or a default judgment may be entered against you without notice. A default judgment is one where the plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned

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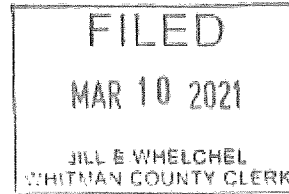
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ERIN C. DYER

14 WSBA No. 35585

15 Attorney for Plaintiff

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27 SUMMONS - 2

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Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
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IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

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an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant.

NO. 21-2-00030-38

COMPLAINT

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1.1 At all times relevant hereto Plaintiff CHRISTOPHER D. LOCKEN was a resident of Whitman County, Washington.

1.2 At all times relevant hereto Defendant JASMINE E. ROBINSON ("Defendant Robinson") was a resident of the State of Idaho.

1.3 At all times relevant hereto Defendant FEDERAL EXPRESS CORPORATION,

COMPLAINT - 1

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1 was a Delaware corporation authorized to do business and doing business in the State of
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4 1.4 The true names of JOHN AND JANE DOES I-V are unknown. Each of the
5 Defendants, including the Doe Defendants, is or may be responsible in some manner for
6 Plaintiff's damages, either directly or through the acts and omissions of their agent and
7 employee, and each is or may be the agent and/or employee of the others. Plaintiff will move the
8 Court to allow amendment when the identities and roles of the John and Doe Defendants become
9 known.
10

11 1.5 The automobile accident and negligent acts and damages alleged herein occurred
12 in Whitman County, Washington.

13 1.6 This Court has jurisdiction over this action and venue is proper in Whitman
14 County, Washington.
15

16 **II. NEGLIGENCE**

17 2.1 On or about November 17, 2018, Plaintiff Christopher D. Locken was driving his
18 vehicle in the outside right lane northbound on Stadium Way near the intersection of Grimes
19 Way in Whitman County, Washington. At the same time, Defendant Robinson was also driving
20 northbound on Stadium Way in the inside left lane approaching the intersection of Grimes Way
21 in a Federal Express van. Defendant Robinson failed to exercise reasonable care, was negligent
22 and failed to yield the right of way, when she attempted to turn right onto Grimes Way from the
23 inside lane causing a t-bone collision with Plaintiff's vehicle, who was proceeding straight
24 through the intersection.
25
26

2.3 All acts or omissions of Defendant Robinson as the driver of Federal Express Corporation's vehicle were performed within the scope of her employment with Federal Express Corporation, and for the benefit of Federal Express Corporation. Federal Express Corporation is vicariously liable for the acts or omissions of Defendant Robinson.

- a. In failing to keep a proper lookout;
- b. For failing to yield the right of way;
- c. In operating the motor vehicle at a speed greater than is reasonable and
at under the conditions then there existing;
- d. In failing to remain in control of the motor vehicle which Defendant was
ing;
- e. In operating the motor vehicle in a reckless and/or negligent manner;
- f. In operating the motor vehicle with disregard for the safety of others.

3.1 Plaintiff has suffered bodily and emotional injuries as a direct and proximate result of Defendants' negligence alleged herein.

4.1 As a direct and proximate result of Defendants' negligence, Plaintiff has suffered

1 bodily and emotional injuries, some of which may be permanent and may result in residual
2 permanent disability which will cause pain, suffering, emotional anguish, loss of ability and
3 capacity to enjoy life, health care expenses, a possible loss of earnings over his lifetime, and
4 other general and special damages, economic and non-economic, and is entitled to be
5 compensated for his injuries, incurred past and future physical, mental pain, disability, and
6 medical expenses, in such amounts to be proven at the time of trial herein.

7
8 WHEREFORE, Plaintiff respectfully prays for judgment against Defendants, and each of
9 them, as follows:

10
11 V. RELIEF SOUGHT


12 5.1 For an award of damages compensating Plaintiff for past and future general and
13 special damages, economic and non-economic, including pre-judgment interest on Plaintiff's
14 expenses as are allowed by law, in an amount to be proven at the time of trial in this matter.

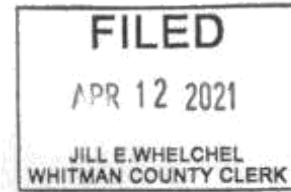
15 5.2 For such other and further relief as the Court deems just, equitable and proper.

16 DATED this 8th day of March, 2021.

17
18 CRAIG SWAPP & ASSOCIATES

19
20 By:


ERIN C. DYER
WSBA No. 35585
Attorneys for Plaintiff



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

Vs.

JASMINE E. ROBINSON, individually and as
employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant(s),

No. 21-2-00030-38

DECLARATION OF SERVICE

1. I, MICHAEL W. GRAHAM, of Pierce County, State of Washington, do hereby
certify under penalty of perjury under the laws of the state of Washington that the
following is true and correct;

I am over eighteen years of age and competent to testify as to the matters herein;

I received one copy of:

- Summons
- Complaint
- Plaintiff's First Set of Interrogatories and Requests for Production of Documents
Propounded to Defendant Federal Express Corporation

2. The documents listed above in Paragraph 1 - was served to : **FEDERAL EXPRESS CORPORATION**, documents were delivered to:

CT CORPORATION SYSTEM; Registered Agent for the above listed Corporation and accepted by:



CYNTHIA JONES

Employee for CT Corporation System.

a person of suitable age and discretion who is a resident at the usual place of abode of the individual named above according to the RCW 4.28.080.

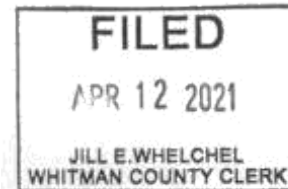
3. Service took place on the 18th day of MARCH 2021 at the hour of 2:30 p.m. a.m., within the County of THURSTON, State of Washington, the following address:

300 DESCHUTES WAY SW / SUITE 208, TUMWATER, WA 98501

DATED this 18th day of MARCH, 2021

Signature: Michael W. Graham

Michael W. Graham
Registered Process Server
License #: 12657
KKWT Process Services
P.O. Box 4623
Spanaway, WA 98387



SUPERIOR COURT OF WASHINGTON, COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff(s),

vs.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendant(s).

NO. 21-2-00030-38

DECLARATION OF SERVICE

I DECLARE:

1. I am over the age of 18 years, and I am not a party to this action.

2. I served Jasmine Robinson with the following documents:

- ☐ a summons, a copy of which is attached, and a petition in this action.
- ☐ a parenting plan.
- ☐ an order to show cause
- ☒ other:

Plaintiff's First Set of Interrogatories and Requests for Production of Documents Propounded to
Defendant (2 Copies), Summons and Complaint

3. The date, time and place of service were (if by mail refer to Paragraph 4 below):

Date: March 23, 2021 Time: 9:03 AM

Address: 420 Burrell Ave. (P.O.E. / FedEx Ship Center)
Lewiston, ID 83501

4. Service was made pursuant to Civil Rule 4(d)

- ☒ by delivery to the person(s) named in paragraph 2 above.
☐ by delivery to _____ a person of suitable age and discretion residing therein.
☐ by publication as provided in RCW 4.28.100. (A copy of the summons is attached.)
☐ (check only if there is a court order authorizing service by mail) by mailing a copy postage prepaid to the person named in the order entered by the court on _____ [Date]. One copy was mailed by ordinary first class mail, the other copy was sent by certified mail return receipt requested. (Attach return receipt below.)
The copies were mailed on _____ [Date].

5. Other:

I declare under penalty of perjury under the laws of the State of Idaho that the foregoing is true and correct.

Signed at LEWISTON, IDAHO on MARCH 23, 2021
[Place] [Date]

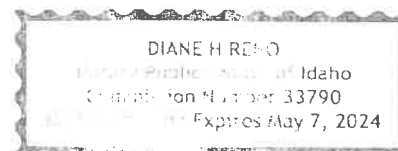
Gene Reno
Signature

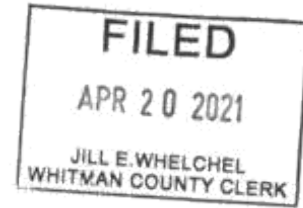
Gene Reno
Print or Type Name

Subscribed and sworn to me this 23RD
day of MARCH, 2021.

Diane H. Reno
x
Notary Public in and for the State of Idaho

5/7/2024
My Commission Expires





IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendants.


NO. 21-2-00030-38

NOTE FOR HEARING

PLEASE TAKE NOTICE that the undersigned will bring on for hearing a Motion for
Default on May 5, 2021 at 10:00 a.m., via remote hearing before the Honorable Judge Libey,
Whitman County Superior Court, 400 N Main Street, Colfax, WA 99111.

DATED this 20th day of April, 2021.

CRAIG SWAPP & ASSOCIATES

By: 
ERIN C. DYER, WSBA# 35585
Attorney for Plaintiff

NOTE FOR HEARING - 1

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2021, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Jasmine E. Robinson
1916 Ridgeway Drive
Lewiston, ID 83501

- ☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:

Jasmine E. Robinson
1954 Allmon Drive
Lewiston, ID 83501

- ☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:

Federal Express Corporation
CT Corporation System
300 Deschutes Way SW / Suite 208
Tumwater, WA 98501

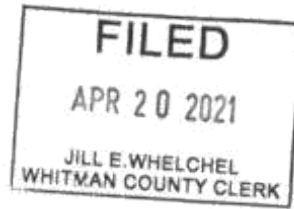
- ☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:



Christina Lambert
Paralegal to Erin C. Dyer

NOTE FOR HEARING - 2

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037



IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

NO. 21-2-00030-38

MOTION FOR DEFAULT

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendants.

COMES NOW the Plaintiff, by and through his attorney, ERIN C. DYER, of CRAIG SWAPP & ASSOCIATES, and brings this Motion and Declaration for Default.

Plaintiff served the SUMMONS and COMPLAINT upon the Defendant, Jasmine E. Robinson on March 23, 2021 and upon Defendant Federal Express Corporation on March 18, 2021. Defendants have failed to answer Plaintiff's Complaint for Damages within the time required by law as per CR 55.


THIS MOTION is based on the records and files herein the Declaration of Erin C. Dyer.

DATED this 20 day of April, 2021.

MOTION FOR DEFAULT - 1

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

CRAIG SWAPP & ASSOCIATES

By: 
ERIN C. DYER,
WSBA# 35585
Attorney for Plaintiff

I, ERIN C. DYER declare under penalty of perjury, under the laws of the State of Washington, the following:


1. I am the attorney for the Plaintiff in the above-entitled matter. I am competent to be a witness herein and make this declaration upon personal knowledge of its contents.

2. That service of the SUMMONS and COMPLAINT was made upon the Defendant, Jasmine E. Robinson on March 23, 2021 and upon Federal Express Corporation on March 18, 2021. True and accurate copies of the Declarations of Service were filed with the Court on April 12, 2021. Defendants have failed to appear or answer Plaintiff's Complaint for Damages within the time required by law as per CR 55.

3. Defendant has failed to answer said Complaint.

4. That an Order of Default should hereby be entered.

5. The basis for venue herein is that all acts took place in Whitman County, State of Washington.

DATED this  day of April, 2021 at Spokane Valley, Washington.


ERIN C. DYER

MOTION FOR DEFAULT - 3

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2021, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Jasmine E. Robinson
1916 Ridgeway Drive
Lewiston, ID 83501

☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:

Jasmine E. Robinson
1954 Allmon Drive
Lewiston, ID 83501

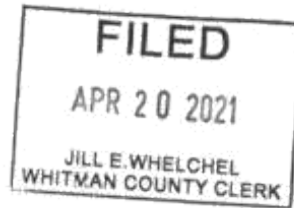
☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
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☐ Facsimile:

Federal Express Corporation
CT Corporation System
300 Deschutes Way SW / Suite 208
Tumwater, WA 98501

☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:



Christina Lambert
Paralegal to Erin C. Dyer



IN THE SUPERIOR COURT OF THE STATE WASHINGTON
IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

vs.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendants.

NO. 21-2-00030-38

ORDER OF DEFAULT

(PROPOSED)

From the Plaintiffs' Motion for Default, supported by Affidavit on file herein, it appears to the Court that the Defendants have not appeared or pleaded herein in the manner required by law; that the time limited by law for the Defendants to do so has fully expired; and that the Defendants are now in default. The Court shall enter findings of fact and conclusions of law at a later time.

The Court now declares the defendants, JASMINE E. ROBINSON and FEDERAL EXPRESS CORPORATION, are in default, and such default is hereby ordered entered.

DONE IN OPEN COURT this _____ of _____, _____.

MOTION FOR DEFAULT - 1

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

JUDGE

Presented by:

CRAIG SWAPP AND ASSOCIATES


Erin C. Dyer, WSBA #35585
Attorney for Plaintiffs

MOTION FOR DEFAULT - 2

CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
(509) 252-5037

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2021, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Jasmine E. Robinson
1916 Ridgeway Drive
Lewiston, ID 83501


☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:

Jasmine E. Robinson
1954 Allmon Drive
Lewiston, ID 83501

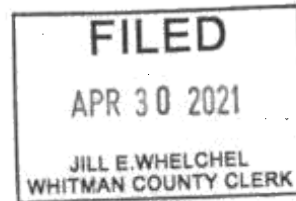
☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:

Federal Express Corporation
CT Corporation System
300 Deschutes Way SW / Suite 208
Tumwater, WA 98501

☒ U.S. Mail-Certified
☐ Hand Delivered
☐ Overnight Mail
☐ E-mail:
☐ Facsimile:


Christina Lambert
Paralegal to Erin C. Dyer

Sent on April 30, 2021 via Fax for Filing in Court



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

v.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V;

Defendants.

NO. 21-2-00030-38

NOTICE OF APPEARANCE

CLERK'S ACTION REQUIRED

TO: Christopher D. Locken, Plaintiff

AND TO: Erin C. Dyer of Craig, Swapp & Associates, Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned attorneys hereby appear for Defendants, JASMINE E. ROBINSON, individually and as an employee of FEDERAL EXPRESS CORPORATION, a Delaware Corporation, without precluding the right to challenge lack of jurisdiction, insufficiency of process and insufficiency of service of process pursuant to CR 12(b). All further pleadings and papers, except original process, shall hereafter be served upon said attorney.

///

///

///

NOTICE OF APPEARANCE - 1

MERRICK, HOFSTEDT & LINDSEY, P.S.
ATTORNEYS AT LAW
3101 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98121
(206) 682-0810

1 Sent on April 30, 2021 via Fax for Filing in Court

2
3
4 DATED this 30th day of April, 2021.

5 MERRICK, HOFSTEDT & LINDSEY, P.S.

6
7 By /s/ Rossi F. Maddalena
8 Rossi F. Maddalena, WSBA #39351
9 Of Attorney for Defendants
10

11 CERTIFICATE OF SERVICE

12 I declare that I am a citizen of the United States of America, a resident of the State of
13 Washington, am over the age of twenty-one years, am not a party to this action and am
14 competent to be a witness herein. I declare that I caused to be served as indicated below:

15 Erin C. Dyer, WSBA #35585
16 CRAIG SWAPP & ASSOCIATES
17 Attorneys at Law
18 16201 East Indiana Avenue, Suite 1900
19 Spokane Valley, WA 99216
Email: erin.dyer@craigswapp.com

20 DATED April 30, 2021, at Seattle, Washington.

21
22 /s/ Veronica M. Abraham
23 Veronica M. Abraham, Legal Assistant
24
25
26

NOTICE OF APPEARANCE - 2

MERRICK, HOFSTEDT & LINDSEY, P.S.
ATTORNEYS AT LAW
3101 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98121
(206) 682-0810

Sent on April 30, 2021 via Fax for Filing in Court

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

v.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendants.

NO. 21-2-00030-38

NOTICE OF APPEARANCE

CLERK'S ACTION REQUIRED

TO: Christopher D. Locken, Plaintiff

AND TO: Erin C. Dyer of Craig, Swapp & Associates, Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned attorneys hereby appear for Defendants,
JASMINE E. ROBINSON, individually and as an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation, without precluding the right to challenge lack of
jurisdiction, insufficiency of process and insufficiency of service of process pursuant to CR
12(b). All further pleadings and papers, except original process, shall hereafter be served upon
said attorney.

///

///

///

NOTICE OF APPEARANCE - 1

MERRICK, HOFSTEDT & LINDSEY, P S
ATTORNEYS AT LAW
3101 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98121
(206) 682-0610

Sent on April 30, 2021 via Fax for Filing in Court

DATED this 30th day of April, 2021.

MERRICK, HOFSTEDT & LINDSEY, P.S.

By /s/ Rossi F. Maddalena
Rossi F. Maddalena, WSBA #39351
Of Attorney for Defendants

CERTIFICATE OF SERVICE

I declare that I am a citizen of the United States of America, a resident of the State of Washington, am over the age of twenty-one years, am not a party to this action and am competent to be a witness herein. I declare that I caused to be served as indicated below:

Erin C. Dyer, WSBA #35585
CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
Email: erin.dyer@craigswapp.com

DATED April 30, 2021, at Seattle, Washington.

/s/ Veronica M. Abraham
Veronica M. Abraham, Legal Assistant

NOTICE OF APPEARANCE - 2

MERRICK, HOFSTEDT & LINDSEY, P.S.
ATTORNEYS AT LAW
3101 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98121
(206) 682-0810

Whitman County Clerk FAX FILING COVER SHEET

Fee per faxed batch: \$ 4 per batch + \$ 1 per document page
. Additional service fees apply for online payment.

Pay online: <http://whitmancounty.org/DocumentCenter/View/611/Make-a-Payment---Clerk-PDF>

- Use Clerk's Reference # **1010**
- Your emailed receipt must be submitted as the second page of your faxed batch

Your Name: Rossi Maddalena

Your Firm (if applicable): Merrick, Hofstedt, & Lindsey, PS

Your phone #: 206-682-0610

Your email address: rmaddalena@mhlseattle.com

Your mailing address: 3101 Western Ave., Ste. 200, Seattle, WA 98121

This batch contains documents to be filed in the following Whitman County Superior Court Case(s):

Case Number	Case Caption
21-2-00030-38	Locken v. Robinson, et. al.

Total Number of pages to be filed: 2

Per GR 17, note "**SENT on** April 30, 2021 (**DATE**) **VIA FAX FOR FILING IN COURT**" on the front page of each document to be filed.

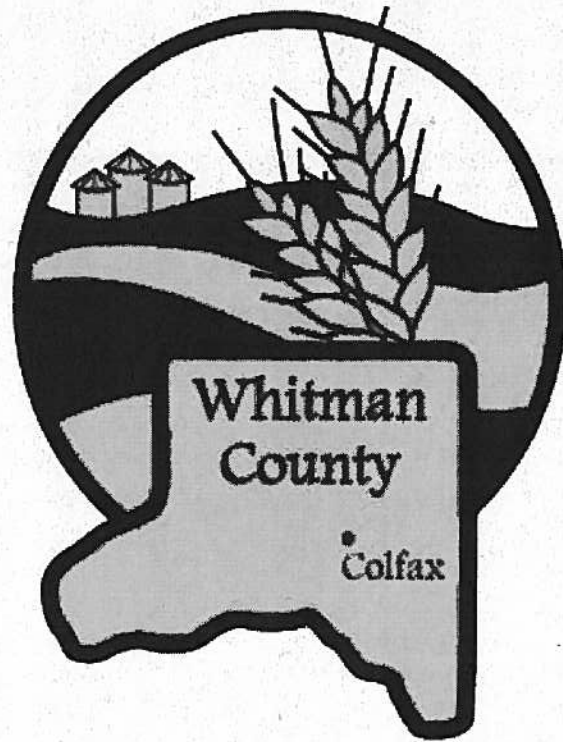
Please fax batch containing:

- 1) Cover Sheet 2) Payment Receipt and 3) Documents**

To FAX # (509) 397-3546

You will receive an emailed confirmation when your documents are filed.

Questions: Email clerk@whitmancounty.net



Your payment to Whitman County Clerk was successful.

Reference Number:	4335170
Date/Time:	04/30/2021 02:51:32 PM (PST)
Transaction Total:	\$10.25
Service Fee:	\$2.25
Payer Name:	Tamara Nelson
Amount To Pay #1:	\$8.00
Name:	Rossi F. Maddalena
Firm (Optional):	Merrick, Hofstedt, & Lindsey

Phone Number: 2066820610

Email Address (Optional): rmaddalena@mhlseattle.com

**Whitman County Clerk's
Reference Number (Provided by
Clerk at time request made via
Phone/Email):** 1010

Defendant's First Name: Jasmine

Defendant's Last Name: Robinson

Mailing Address: 3101 Western Avenue, Suite
200

City: Seattle

State: Washington

Zip: 98121

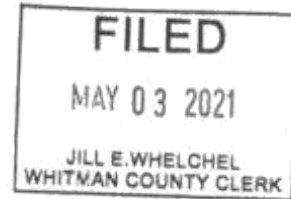
Email (optional): vabraham@mhlseattle.com

Phone Number: 2068321790

Case Number: 21-2-00030-38

Thank you for your payment.

Sent on May 3, 2021 via Fax for Filing in Court



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF WHITMAN

CHRISTOPHER D. LOCKEN,

Plaintiff,

v.

JASMINE E. ROBINSON, individually and as
an employee of FEDERAL EXPRESS
CORPORATION, a Delaware Corporation; and
JOHN and JANE DOES I through V,

Defendants.

NO. 21-2-00030-38

ANSWER AND AFFIRMATIVE
DEFENSES OF FEDERAL EXPRESS
CORPORATION AND JASMINE E.
ROBINSON

COMES NOW defendants Federal Express Corporation and Jasmine E. Robinson to answer
plaintiff's Complaint as follows:

I. IDENTIFICATION OF PARTIES AND JURISDICTION

1.1 Upon information and belief, Defendants admit.

1.2 Admit.

1.3 Admit that Federal Express Corporation is a corporation organized under the laws of the
State of Delaware. Its principal place of business is located in Memphis, Tennessee. Federal
Express is authorized to conduct business in the State of Washington.

1.4 Defendants lack sufficient information to admit or deny the allegations in paragraph 1.4
and know of no such entities, therefore deny the same.

DEFENDANTS' ANSWER - 1

MERRICK, HOFSTEDT & LINDSEY, P.S.
ATTORNEYS AT LAW
3101 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98121
(206) 682-0610

1 1.5 The allegations in paragraph 1.5 of Plaintiff's Complaint contain legal conclusions and
2 questions of law to which no response is required. To the extent a response is required, Defendants
3 admit that subject collision occurred in Whitman County, Washington. All other allegations in
4 paragraph 1.5 of Plaintiff's Complaint are denied.

5 1.6 Paragraph 1.6 contains legal averments requiring no response. To the extent an answer is
6 necessary, Defendants deny the allegations in paragraph 1.6 of Plaintiff's Complaint.

7 II. NEGLIGENCE

8 2.1 The allegations in paragraph 2.1 of Plaintiff's Complaint contain legal conclusions and
9 questions of law to which no response is required. To the extent a response is required, Defendants
10 admit that subject collision occurred in Whitman County, Washington on Stadium Way near the
11 intersection of Grimes Way. Defendants admit Defendant Robinson was driving a Federal Express
12 Corporation vehicle. Defendants admit a collision occurred. All other allegations in paragraph
13 2.1 of Plaintiff's Complaint are denied.

14 2.2 Admit.

15 2.3 The allegations in paragraph 2.3 of Plaintiff's Complaint contain legal conclusions and
16 questions of law to which no response is required. To the extent a response is required, Defendants
17 admit Defendant Robinson was driving a Federal Express Corporation vehicle in the scope of her
18 employment. Defendants admit a collision occurred while Defendant Robinson was driving a
19 Federal Express Corporation vehicle. All other allegations in paragraph 2.3 are denied.

20 2.4 The allegations in paragraph 2.4 of Plaintiff's Complaint contain legal conclusions and
21 questions of law to which no response is required. To the extent a response is required, Defendants
22 deny the allegations in paragraph 2.4 of Plaintiff's Complaint.

23 III. INJURIES

24 3.1 Defendants lacks sufficient information to admit or deny the allegations in paragraph 3.1
25 of Plaintiff's Complaint and, therefore, deny the same.

26 //

DEFENDANTS' ANSWER - 2

MERRICK, HOFSTEDT & LINDSEY, P.S.
ATTORNEYS AT LAW
3101 WESTERN AVENUE, SUITE 200
SEATTLE, WASHINGTON 98121
(206) 682-0610

1 IV. DAMAGES

2 4.1 Defendants lacks sufficient information to admit or deny the allegations in paragraph 4.1
3 of Plaintiff's Complaint and, therefore, deny the same.

4 V. AFFIRMATIVE DEFENSES

5 As further Answer to Plaintiff's Complaint, defendants assert the following defenses and
6 affirmative defenses:

7 1. To the extent plaintiff fails to state a claim for which relief can be granted, his
8 complaint should be dismissed in whole or in part.

9 2. To the extent plaintiff failed to mitigate his damages, his claims should be
10 precluded and/or reduced to the extent demonstrated by the evidence obtained in discovery and
11 admitted at trial.

12 3. To the extent plaintiff's alleged injuries are the result of a previously existing
13 symptomatic condition, his claims may be barred in whole or in part.

14 5. To the extent plaintiff's harm was caused by the acts or omissions of third parties
15 over whom defendants had no control, fault should be allocated pursuant to RCW 4.22.070.

16 6. Defendants are not liable for plaintiff's own negligence, acts and/or his own
17 conduct which caused or contributed to plaintiff's alleged injuries or damages.

18 7. To the extent plaintiff's injuries, if any, were caused by a subsequent event over
19 which defendants had no control or responsibility, his claims may be barred in whole or in part.

20 8. Plaintiff's claims should be dismissed due to his failure to complete proper service
21 on Defendant Federal Express Corporation.

22 9. Defendants reserve the right to amend or supplement this Answer and Affirmative
23 Defenses to comport with evidence obtained during the course of discovery.

24 //

25 //

26 //

PRAYER FOR RELIEF

Defendant prays for judgment as follows:

1. Dismissal of plaintiff's claims without recovery and with prejudice;
2. That defendants be awarded all costs and reasonable attorneys' fees permitted by law or equity; and
3. Any other relief the Court deems just and equitable.

DATED this 3rd day of May, 2021.

MERRICK, HOFSTEDT & LINDSEY, P.S.

By /s/ Rossi F. Maddalena
Rossi F. Maddalena, WSBA #39351
Of Attorney for Defendants

CERTIFICATE OF SERVICE

I declare that I am a citizen of the United States of America, a resident of the State of Washington, am over the age of twenty-one years, am not a party to this action and am competent to be a witness herein. I declare that I caused to be served as indicated below:

Erin C. Dyer, WSBA #35585
CRAIG SWAPP & ASSOCIATES
Attorneys at Law
16201 East Indiana Avenue, Suite 1900
Spokane Valley, WA 99216
Email: erin.dyer@craigswapp.com

DATED May 3, 2021, at Seattle, Washington.

/s/ Veronica M. Abraham
Veronica M. Abraham, Legal Assistant